THE HON'BLE MS JUSTICE G.ROHINI

Writ Petition No.14444 of 2005

16-11-2005

Between:

T.Parsharam, S/o Narsaiah, Driver in APSRTC Sircilla Depot, Elgandal (village), Karimnagar Mandal & District.

... PETITONER

AND

The Managing Director, Musheerabad, Hyderabad and another.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

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Writ Petition No.14444 of 2005

ORDER:

The petitioner claims to have been appointed as a regular Driver in the A.P. State Road Transport Corporation on 19.05.1980. It is stated that in the medical examination conducted by the Corporation in the year 2004, it was found that the petitioner was unfit for the post of Driver in A1 category due to the defective distance vision. On the basis of the medical certificate, dated 25.08.2004, the second respondent issued the impugned order, dated 08.09.2004, placing the petitioner under leave for a period of one year w.e.f., 25.08.2004. The said order is under challenge in this writ petition contending that when the petitioner was found to be unfit for the post of driver, he ought to have been accommodated in any suitable alternative post as provided under Section 47 of the Persons with Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act, 1995 (for short, the Act).

I have heard the learned counsel for the petitioner as well as the learned Standing Counsel appearing for the respondent-Corporation.

It is brought to my notice that under identical circumstances, this Court disposed of W.P.No.7631 of 2005 by an order, dated 07.04.2005, with a direction to the respondent-Corporation to take appropriate decision in accordance with the rules and regulations, particularly keeping in view the provisions of Section 47 of the Act within six weeks and that in pursuance of the said order, the petitioner therein was provided with suitable alternative employment.

Admittedly, the case of the petitioner also stands on the same footing and the same is not in dispute. Since the question whether the

petitioner can be provided any suitable alternative employment is a question to be decided by the respondent-Corporation keeping in view the provisions of Section 47 of the Act, following the decision in W.P.No.7631 of 2005, this writ petition is disposed of with a direction to the respondent-Corporation to take appropriate decision in accordance with the provisions of Section 47 of the Act, and the rules and regulations made thereunder as to the claim of the petitioner to provide suitable alternative employment and pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

16.11.2005

Note: Issue CC in one week

(b/o)

VGB/KLP